

REMARKS

Claims 18-30 are pending. Claim 18 has been amended to correct an obvious error.

Claim 18 stands rejected under 35 U.S.C. § 101 on the basis of claiming the same invention as that of claim 1 of prior U.S. App. No. 10/239,764, (now issued as U.S. Pat. No. 6,787,767 to Kato). Reconsideration of this rejection respectfully is requested.

Claim 18 recites, *inter alia*, “a third step of....scanning said main high frequency voltage,” and “a fourth step of scanning said main high frequency voltage and ejecting ions.” Claim 1 of the ‘764 application recites, instead, a third step of “scanning the frequency components of said supplementary AC voltage,” and a fourth step of “scanning said main high frequency voltages and ejecting ions.” Pending claim 18 and claim 1 of the ‘764 application recite the same fourth step. The third steps, however, are different. Whereas pending claim 18 recites scanning the *main high frequency voltage*, claim 1 of the ‘764 application recites scanning the *frequency components* of the *supplementary AC voltage*. The Office Action apparently considers the fourth step of claim 18 to be a redundant recitation of the third step. The fourth step, however, is a separate step in addition to the third step. Applicant urges that the interpretation explained in the Office Action would appear to render claim 18 rejectable under 35 U.S.C. § 112, second paragraph, as failing the clearly and distinctly claim the subject matter of the invention. By its plain wording and interpretation, claim 18 recites two steps of scanning the main high frequency voltage. Claim 18 does not claim the same invention as that of claim 1 of the ‘764 application.

Claims 19, 20, 22, 23, 25, 26, 27, 28, 29, and 30 stand rejected under 35 U.S.C. § 101 on the basis of claiming the same invention as that of claims 3, 5, 7, 8, 9, 22, 23, 24, 25, and 26 respectively of the ‘764 application. Reconsideration of these rejections respectfully is requested.

Claims 19-30 depend from claim 18, which does not claim the same invention as that of claim 1 of the ‘764 application. Claims 3, 5, 7, 8, 9, 22, 23, 24, 25, and 26

depend from claim 1 of the '764 application. Claims 19-30 do not claim the same invention as that of claims 3, 5, 7, 8, 9, 22, 23, 24, 25, and 26 of the '764 application.

Claims 21 and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of the '764 application in view of U.S. Pat. No. 5,451,782 to Kelley. Applicant respectfully traverses this rejection by way of the attached Terminal Disclaimer.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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